IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3097 OF 2007

IN

FIRST APPEAL NO. 1873 OF 2007

Babu Kondu Bhoir. .. Applicant.

vs.

Dinkar Genu Walhekar

& Ors. .. Respondents.

Mr. Sugandh Deshmukh for Applicant.

Mr. M.B. Kak h/f. Uday B. Nighot & D.D. Shinde for Respondents.

..

CORAM: J.N. PATEL &,

A.A. SAYED, JJ.

DATE: 9TH JULY, 2007.

P.C.

. This is an application for grant of stay to the impugned award which arises out of a reference made under Section 35 of the Maharashtra Industrial Development Act by the Collector. In spite of opportunity being given to the respondents they have not filed any reply.

2. We had granted interim order on the last date as the reference court has stayed the effect and operation of its award to enable the parties to approach this Court.

3. Prima facie, on going through the impugned judgment and decree passed by the Reference Court, we are of the view that the respondents can be permitted to withdraw the amount of compensation as awarded on furnishing surety to the satisfaction of the Reference Court which is restricted to the claim of the appellant which can be computed while furnishing the surety after giving due notice to the other side.

4. The civil application stands disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)